IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6430 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT FOREST PRODUCERS, GATHERERS AND FOREST WORKER'S

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 6430 of 2003

MR DS VASAVADA for Petitioner No. 1

MR KAMAL TRIVEDI A.A.G. with MR AD OZA G,P. for Respondent No. 1

RULE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 16/07/2004

ORAL JUDGEMENT

1.0. By this petition, the petitioner Union has

challenged the Circular dated 2nd April, 2003 (annexure-A) issued by Labour Commissioner, Gujarat State, Ahmedabad directing all the Assistant Commissioners and other authorities dealing with the Labour matters, not to admit or entertain any industrial disputes on the ground that the Forest Department is not an "Industry". It is the case of the petitioner - Union that the Commissioner could not have issued such a Circular. The petitioner Union has therefore, prayed for a writ declaring that the action of the respondent Commissioner of Labour in issuing the aforesaid Circular is illegal, arbitrary and violative of Article 14 of the Constitution and in contravention of the provisions of the Industrial Disputes Act, 1947.

2.0. Having heard the learned counsel for the parties, and in view of the subsequent decision of the Full Bench of this Court in the case of Gujarat Forest Producers, Gatherers & Forest Workers Union v. State of Gujarat reported in 2004 (2) G.L.H. p. 302, Circular dated 2nd April, 2003 is contrary to the law laid down by this Court. Apart from that the Circular regarding accepting the conciliation matter is not in consonance with the provisions of Industrial Disputes Act and, therefore, the same is required to be quashed and set aside.

3.0. In the result, the petition is allowed. Circular dated 2nd April, 2003 (annexure-A) issued by the Labour Commissioner, Ahmedabad is hereby, quashed and set aside. Rule is made absolute to the aforesaid extent.

[K.S. JHAVERI, J.]

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